IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

WP(C).No. 6158 of 2007(G)

PETITIONER:

SUHRA KHADAR, AGED 44 YEARS,
W/O. KHADAR, CHIRANGARA HOUSE, IRUMALAPADI,
ERAMALOOR VILLAGE, PANIPPRA P.O.,KOTHAMANGALAM.

BY ADV. SRI.SIRAJ KAROLY

RESPONDENTS:

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1. NELLIKUZHI GRAMA PANCHAYAT,
REP. BY ITS SECRETARY, GRAMA PANCHAYAT OFFICE,
NELLIKUZHI P.O., VIA. KOTHAMANGALAM,ERNAKULAM DIST

2. THE CHIEF ENVIRONMENT ENGINEER,
POLLUTION CONTROL BOARD, GANDHI NAGAR, ERNAKULAM.

3. THE STATE OF KERALA,
REP. BY THE SECRETARY, LOCAL ADMINISTRATION
DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.

4. BABY MATHEW,
PULIKKAKUKDI HOUSE, IRUMALAPADI, PANIPPRA P.O.,
KOTHAMANGALAM VIA.

5. SMT. NASEEMA JALAL,
CHIRANGARA HOUSE, IRUMALAPADI, PANIPPRA P.O.,
KOTHAMANGALAM.

BY SRI.P.K.MUHAMMED (R1)
BY SC SRI.M.K.CHANDRAMOHAN DAS(R2)
BY G.P. SMT.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 6158 of 2007

Dated this 23rd day of February , 2007

JUDGMENT

Heard Sri.P.K.Muhammed, the learned counsel for the first respondent, Sri.Chandramohan Das, the learned Standing Counsel for the Pollution Control Board and Sri.Siraj Karoly, the learned counsel for the petitioner. The request of the petitioner is only that he also should be heard when the Panchayat is taking a fresh decision as directed by the Tribunal in Ext.P4 order. The learned Standing Counsel for the Panchayat submits that the Panchayat will not have any objection in hearing the petitioner also before taking a decision and that the Panchayat will comply with all the directions of the Tribunal contained in Ext.P4 very faithfully. The learned counsel for the petitioner submits that Ext.P5 representation has been submitted by the petitioner before the Secretary of the Panchayat citing two judicial precedents and that there may be a direction to the Panchayat to consider those decisions also before taking decision on Ext.P5.

2. Having regard to the submissions addressed before me,

the writ petition itself will stand disposed of without issuing notice to the 4th respondent, directing the Panchayat to hear the 4th respondent as well as the writ petitioner and to take a final decision as directed by the Tribunal in Ext.P4 considering the arguments which may be addressed before the Panchayat by the petitioner and the 4th respondent including the arguments based on the judicial precedents which are mentioned in Ext.P5. The petitioner is directed to furnish the Panchayat with copies of the two judicial precedents.

The writ petition is disposed of as above.

PIUS C.KURIAKOSE
Judge

dpk